

### REMARKS

Claims 1-5 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kishimoto et al. (U.S. 6,721,024). Applicants respectfully traverse this rejection because the Examiner has not established a *prima facie* case of anticipation. Specifically, the Examiner has not distinguished between the features of the recited structure of the present invention that not only partition the liquid crystal layer, but also form at least one enclosed domain in each display pixel.

For example, the Examiner correctly identifies that Kishimoto's walls 16, 26 function to partition the liquid crystal layer of Kishimoto's device. The Examiner, however, has not cited to any additional teaching (or suggestion) in Kishimoto that the walls 16, 26 also form at least one enclosed domain in each display pixel, as would be required to establish the *prima facie* case of anticipation. The drawings of the reference, as cited by the Examiner, appear to teach just the opposite.

Figs. 1 and 4-6 of Kishimoto clearly show that neither of the walls 16 or 26 enclose a domain. Kishimoto even specifically teaches that the domains are not enclosed, because a significant portion is left, defined by the regions 30b, open above the top faces of the walls 16. (See col. 7, lines 2-5). Kishimoto further shows, in Figs. 1 and 5, that columnar spacers 20 are placed between the walls 16, 26 in the non-enclosed space between the walls and the opposing substrate 100b. Fig. 2 of Kishimoto shows that the spacers 20 do not follow along all of the topography of the walls 16 (or 26).

In asserting this rejection, the Examiner appears to be considering the terms “partition” and “enclosed” as possible equivalents. These terms, however, are not recited in independent claim 1 of the present invention as being equivalents, but instead as separate and distinctly recited features of the claims. The Examiner is required to give full consideration to these separate and distinct terms, and according to the clear teachings in the present Specification.

Claim 1 of the present invention specifically recites that the structure of the present invention is provided “to partition the liquid crystal layer and forming at least one enclosed domain in each display pixel.” Figs. 14A-B of the present Specification best illustrate the differences between these two features of the present invention. Looking perpendicular to the substrates in Fig. 14A, the partitioning features of the structure 50 can be best seen. Looking parallel to the plane of the substrates in Fig. 14B, on the other hand, it can best be seen how the partitioning structure 50 shown in Fig. 14A also encloses a domain in each pixel area. The cited Kishimoto reference, however, does not show any closed structure similar to that shown in Fig. 14B of the present Specification. Accordingly, the rejection of independent claim 1 (and its dependent claims 2-5) based on Kishimoto is respectfully traversed.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kishimoto. Applicants respectfully traverse this rejection for at least the reasons discussed above with respect to independent claim 1. Claim 6 depends from independent claim 1, and therefore includes all of the features of the base claim, plus additional features. The

Examiner has not provided any rationale for why it would be obvious to modify the cited reference to extend the walls 16, 20 the entire width of the distance between the two opposing substrates, so as to fully enclose the respective areas partitioned. There also could be no such teaching or suggestion found within the reference, because Kishimoto actually requires that the space above the walls be open, at least enough to provide the spacers 20. Accordingly, the rejection of claim 6 is also traversed.

Additionally, new claims 21-22 have been added herein to recite other combinations of features of the present invention. Independent claim 21 is similar to independent claim 1, but additionally recites that the claimed structure has a thickness equal to that of the liquid crystal layer. Claim 22 depends from claim 21. These claims are also fully supported by Figs. 14A-B. Entry, consideration on the merits, and allowance of new claims 21-22 are respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-6 and 21-22, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

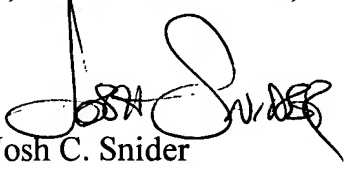
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